

## SENATE BILL No. 26

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-42-4-6.

**Synopsis:** Child solicitation. Makes child solicitation committed by a person at least 21 years of age against a child under 14 years of age a Class C felony if the person performs an overt act demonstrating an intent to physically meet the child. Enhances the penalty to a Class B felony if it is committed by means of a computer network, and to a Class A felony if it is committed by means of a computer network by a person who has a prior conviction for child solicitation by means of a computer network. (The introduced version of this bill was prepared by the sentencing policy study committee.)

**Effective:** July 1, 2010.

---

---

### Head

---

---

January 5, 2010, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

---

---

C  
o  
p  
y



Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

## SENATE BILL No. 26

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-42-4-6, AS AMENDED BY P.L.216-2007,  
2       SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2010]: Sec. 6. (a) As used in this section, "solicit" means to  
4       command, authorize, urge, incite, request, or advise an individual:

- 5               (1) in person;
- 6               (2) by telephone;
- 7               (3) in writing;
- 8               (4) by using a computer network (as defined in IC 35-43-2-3(a));
- 9               (5) by advertisement of any kind; or
- 10              (6) by any other means;

11       to perform an act described in subsection (b), ~~or~~ (c), **or (d)**.

12       (b) **Except as provided in subsection (c)**, a person **at least** eighteen  
13       (18) years of age ~~or older~~ who knowingly or intentionally solicits a  
14       child under fourteen (14) years of age, or an individual the person  
15       believes to be a child under fourteen (14) years of age, to engage in:

- 16              (1) sexual intercourse;
- 17              (2) deviate sexual conduct; or



C  
o  
p  
y

(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).

**(c) A person at least twenty-one (21) years of age who:**

**(1) knowingly or intentionally solicits a child under fourteen (14) years of age, or an individual the person believes to be a child under fourteen (14) years of age, to engage in:**

**(A) sexual intercourse;**

**(B) deviate sexual conduct; or**

**(C) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person; and**

**(2) performs an overt act demonstrating an intent to physically meet the child;**

**commits child solicitation, a Class C felony. However, the offense is a Class B felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class A felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in IC 35-43-2-3(a)).**

**(d) A person at least twenty-one (21) years of age who knowingly or intentionally solicits a child at least fourteen (14) years of age but less than sixteen (16) years of age, or an individual the person believes to be a child at least fourteen (14) years of age but less than sixteen (16) years of age, to engage in:**

**(1) sexual intercourse;**

**(2) deviate sexual conduct; or**

**(3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person;**

**commits child solicitation, a Class D felony. However, the offense is a Class C felony if it is committed by using a computer network (as defined in IC 35-43-2-3(a)), and a Class B felony if the person commits the offense by using a computer network (as defined in IC 35-43-2-3(a)) and has a previous unrelated conviction for committing the offense by using a computer network (as defined in**

C  
o  
p  
y



1 IC 35-43-2-3(a)).

2 ~~(d)~~ (e) In a prosecution under this section, including a prosecution  
3 for attempted solicitation, the state is not required to prove that the  
4 person solicited the child to engage in an act described in subsection  
5 (b), ~~or~~ (c), **or (d)** at some immediate time.

6 SECTION 2. [EFFECTIVE JULY 1, 2010] **IC 35-42-4-6, as**  
7 **amended by this act, applies only to crimes committed after June**  
8 **30, 2010.**

C  
o  
p  
y

